

## REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111, and in light of the remarks which follow, are respectfully requested.

By the present amendment, claims 3, 4 and 15-21 have been canceled without prejudice or disclaimer. Claim 12 has been amended in response to an issue raised in the Office Action. Claim 1 has been amended to include the features of canceled claims 3 and 4 and to include subject matter disclosed in paragraphs [0016] and [0017] on page 4 of the specification. The change in the range of the amount of colorant in claim 2 is supported in paragraph [0047]. The range set forth in new claim 22 is supported in paragraph [0048]. New claims 23-31 find support in the originally filed claims. Claims 1, 2, 5-14 and 22-31 will be pending in this application upon entry of the present amendments.

Claims 3, 4, 12, 17 and 18 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth in paragraph (4) of the Office Action. Withdrawal of this rejection is respectfully requested in view of the above amendments and the following remarks.

Claims 3, 4, 17 and 18 have been canceled and claim 12 has been amended to replace the rejected phrase "the charge-controlling agent" with --a charge-controlling agent--.

In view of the above, the §112, second paragraph, rejection has been obviated and should be withdrawn.

Claims 1-21 were rejected under 35 U.S.C. §103(a) as obvious over Nishimori et al (U.S. Patent No. 6,617,091), in view of Ohmura et al (U.S. Patent No. 6,753,122), Cheng (U.S. Patent Nos. 6,309,787, 6,455,220, and 6,413,692) for the reasons given in paragraph (6) of the Office Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the reasons which follow.

The present claims, as currently amended, are directed to a resin particle having a center portion and a functional layer or a center portion, a functional layer and a surface layer, where the functional layer contains colorant particles and is prepared by a miniemulsion polymerization method. The center portion is devoid of the colorant particles. The invention also relates to toners containing the resin particles.

*Nishimori et al.* '091 discloses the preparation of a toner containing particles prepared by fusing resin particles onto the surface of core particles composed of a resin and a colorant. Thus, the colorant is contained in the core which is covered by a resinous shell layer. A miniemulsion method is disclosed in column 18, line 2. This reference does not disclose preparing a functional layer containing resin and colorant on the core by a miniemulsion polymerization as presently claimed.

In contrast to the toners of *Nishimori et al.* '091, the resin particles of the present invention do not contain colorant particles in the core but in a functional layer covering the core. The resinous functional layer containing colorant particles is prepared by a miniemulsion polymerization method.

*Ohmura et al.* '122 has a disclosure similar to that of *Nishimori et al.* '091. Miniemulsion polymerization is mentioned (column 5, lines 7-8 and 33) but the toner particles are prepared by a salting out/fusion method where resin particles and colorant particles are fused and aggregated (column 8, lines 8-19 and column 13, lines 53-54). *Ohmura et al.* '122 does not disclose resin particles having a core free of colorant particles and a functional layer comprising colorant particles prepared by a miniemulsion method.

The *Cheng* Patents disclose encapsulated colorant particles composed of a core containing a colorant and a polymeric shell prepared by a miniemulsion polymerization. A toner is prepared by aggregating colorant particles with the encapsulated colorant. There is

no disclosure of resin particles having a core free of colorant and having a functional layer containing colorant particles and prepared by a miniemulsion polymerization process.

Accordingly, the combined disclosures of the cited prior art fail to disclose or suggest the presently claimed invention. *Nishimori et al.* '091 does not disclose resin particles have a core free of colorant particles and a functional layer containing colorant particles and prepared by a miniemulsion method which uniformly disperses the colorant particles throughout the layer. Neither of *Ohmura et al.* '122 nor *Cheng* '787, '220 or '692 discloses resin particles having the structure set forth in the present claims. Thus, there is no disclosure therein which would have motivated those of ordinary skill in this art to modify the invention of *Nishimori et al.* '091 to arrive at the present invention.

In view of the above, the §103 rejection over *Nishimori et al.* '091 in view of *Ohmura et al.* '122, *Cheng* '787, *Cheng* '220, and *Cheng* '692 should be reconsidered and withdrawn. Such action is earnestly solicited.

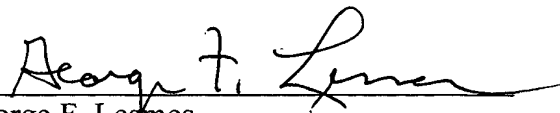
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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